

United States District Court
For the
Northern DISTRICT OF Illinois

File No. _____

River Tali:Bey Authorized Agent
Res: CHERRON MARIE PHILLIPS
Plaintiff-Appellant

Against

UNITED STATES OF AMERICA
Defendant-Appellee

Notice of Appeal

12 CR 872

Judge Michael J. Reagan

Notice is hereby given that River Tali:Bey Authorized Agent, Res: CHERRON MARIE PHILLIPS, Plaintiff and UNITED STATES OF AMERICA Defendants in the above named case hereby appeal to the United States Court of Appeals for the Seventh Circuit from an order entered in this action on the 21st day of May, 2014.

By: _____

River Tali:Bey Authorized Agent
Res: CHERRON MARIE PHILLIPS
c/o P.O. Box 802625
Chicago Illinois non domestic
312-857-5456

FILED

JUN X 5 2014

THOMAS G. BRUTON
CLERK U.S. DISTRICT COURT

United States District Court
For the
Northern DISTRICT OF Illinois

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River Tali:Bey Authorized Agent
Res: CHERRON MARIE PHILLIPS
Plaintiff-Appellant

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CERTIFICATE OF SERVICE

I River Tali:Bey hereby certify that I caused a copy of Petition for Appeal to be served upon the following parties via U.S. Mail with proper postage prepaid, located at 433 West Harrison Chicago IL. on June 4th, 2014:

CLERKS OFFICE
United States District Court of Appeals
219 S Dearborn Rm 2722
Chicago Illinois 60604

By: _____



River Tali:Bey Authorized Agent
Res: CHERRON MARIE PHILLIPS
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Chicago Illinois non domestic
312-857-5456

No. _____

In The United States Court of Appeals
For the Seventh Circuit

In Re: UNITED STATES OF AMERICA v. CHERRON MARIE PHILLIPS

On Petition for Appeal from an Order of the
United States District Court for the Northern District of Illinois

Order entered May 21st, 2014 Case No 12-cr-872

Petition for Stay Pending Appeal

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Introduction

I River Tali:Bey, am appealing the administrative orders entered on May 21st, 2014 and want the appellate court to rule on the law. On May 21st, 2014 petitioner demanded a jurisdictional hearing by the district court. The district court failed to afford the relief requested which is an admission that they don't have jurisdiction or else it would be placed on the record. For the district court to proceed to trial lacking jurisdiction is an abuse of discretion and without legislative authority making any judgment orders void. Moving first in the district court would be impracticable.

Question presented

Federal question arises under Amendments to the Constitution of the United States specifically sections I, IV, V, VIII and XIII as well as various Acts of the United States Congress and various statutes.

A. The Indictment

The paper called indictment apparently setting up this whole matter does not disclose the jurisdiction under which it was issued. Without that jurisdictional statement this tribunal could not be called to order. It failed to state plain, concise and definite written statements of the essential facts constituting the charged act. Said indictment is uncertain, vague and indefinite and does not with any particularity and accuracy set out any offence known to the law.

Once the jurisdiction of subject matter is raised, it cannot be waived by either party.¹ "Jurisdiction" may be defined to be '[t]he right to adjudicate concerning the subject matter in the given case. To constitute this there are three essentials; *First*, the court must have cognizance of the class of cases to which the one to be adjudicated belongs; *Second*, the proper parties must be present; and *Third*, the point decided upon must be in substance and effect within the issue."² Without such jurisdictional

¹ *United States v. Isaac*, 493 F2d. 1124, 1140 (7th Cir 1973)

² *Reynolds v. Stockton*, 140 U.S. 254, 268

evidence in the indictment concealment becomes fraudulent when it is the duty of the Plaintiff having knowledge of the facts to discover them to the other.

There is no legal relationship between the Plaintiff and the accused in case no. 12-cr-872. There is no evidence in the record that claims or disclosed personal jurisdiction over me in anyway. I am not now nor have I ever been federal personnel. It is my understanding that his court is under orders that is must establish personal jurisdiction before it is authorized to proceed. To this moment no such authority or jurisdiction over me has been disclosed or entered for the record.

I, River Tali:Bey, also apply to this court to be released from a detention order under (Habeas Corpus) issued on November 9th, 2012. I refused to plea until the jurisdiction had been proven on the record. The record will show judge Milton Shadur entered a 'not guilty' plea on around November 16th, 2013 for the accused. On March 25th, 2014 I filed a petition to vacate the detention order for conditional release with request for hearing to the district court. The petition was denied by decision of the Executive Committee on April 3rd, 2014. I was not afforded a hearing on the matter as requested in the petition. Plaintiffs continue to conspire to deprive me of IV and V Amendment rights secured by the Constitution of the United States.

The indictment lists the UNITED STATES OF AMERICA as the "Plaintiff". The 'United States' and the United States of America are not one in the same. Congress has expressly prohibited from re-defining any terms found in the Constitution for the United States of America.³ Whenever the United States proceed as party "Plaintiff", an Article III constitutional court, exercising the judicial power of the United States, is a pre-requisite under Article III § 2 Cl. 1 Constitution for the United States of America.

³ Preamble Constitution for the United States of America Art. II§1 Cl. 1; 62 STAT 933[28 USC 1345]; *Eisner v. Macomber* 252 U.S. 189 (1920) Congress[...] cannot by legislation alter the Constitution, from which alone it derives its power to legislate, and within whose limitation that power can be lawfully exercised.

Whenever the United States proceed as party "Defendant", the sovereign must grant permission to be sued. In this mode a legislative court is permitted.⁴

Plaintiffs in this matter all claim to be employed by the United States as civil or appointed officials and have an Oath to such. Plaintiff claim policies as authorization for their acts and actions, which is in direct conflict and contradiction with policy and statements of law by their employer. Public service is a public trust and each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain.⁵

B. The District Court Orders

On May 21st, 2014 Judge Michael J. Reagan held the order entered by Judge Michael Mihms to deny the accused Motion to Dismiss Cause of Action for Failure to Bring Charges Pursuant to an Act of Congress. In the order he states that the Legislative History reveals that on July 10, 2007 the House considered and passed 2007 HR 660. See PL 110-177, 2008 HR 660. On December 17, 2007 the Senate considered and passed the bill with some amendment. The House of Representatives then approved the reconciled version of the bill.

ARGUENDO; The House of Representatives approved the reconciled version of Public Law 110-177, there still is no evidence conclusively showing that Title 18 USC §1521 and others is in compliance with the Federal Register Act at 49 Stat 500. Ch. 417, Act of July 26, 1935. My research says this Act requires publication as open, general, notice by Federal Register and Codification in the Code of Federal Regulation. Executive Branch Regulations must be implemented for any code claiming to prescribe penalties, general applicability and legal effect. Without an implementing regulation the Title is invalid. Your Supreme Court ruled that neither the Code nor the Regulations could stand alone as law. In that

⁴ 62 STAT 933[28 USC 1346]; *Williams v. United States* 289, U.S. 553, 577 (1933) ...[C]ontroversies to which the United States made by statute by a party defendant, at least as a general rule, lie wholly out the scope of the judicial power vested by Article III in the constitutional courts. *United States v Texas* 143 U.S. 621, 645-646

⁵ 5 CFR § 2635.101

decision, the Court ruled that the Code was only “broad, authorizing language”, and that *the penalties attach only upon the violation of the Regulations thus prescribed*. Therefore, in order for ‘force of law’ to exist, it takes both the Code and the implementing Regulations.⁶

The accused demands the validity of the purported statute because her liberty has been compromised. Congress’ clear intent is that the evidence of its law be in the following form:

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.”

“ []...The United States Statutes at Large shall be legal evidence of laws concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several State, and Territories and insular possession of the United States.”⁷

Title 18 of the United States code does not meet this requirement.

Relief demanded

I appeal to this court to stay any further proceedings in the district court, writ of Habeas Corpus, disclose the jurisdiction and authorities of this tribunal or in the alternative IMMEDIATE dismissal.

I am currently held in bondage on conditional release by federal orders without jurisdictional authority, which is the cause of this appeal.

Reason for Permitting Appeal

I River-Tali:Bey apply before this court on appeal under threat of loss of liberty. I have made continuous objections in the district court to its jurisdiction yet the court has continued to proceed. After reviewing all the documents and papers held against me I do not find any legal relationship between me and the charges or the statutes applied against me. Without such legal relationship the all the papers and claims held against me are void. I have never consented to or have knowledge of agreeing to be held as surety for this matter.

⁶ *California Banker's Association v. Shultz* 39 L.Ed. 2d 820 & 830

⁷ 61 STAT 634, 636 §§ 101,112

Conclusion

Fraudulent concealment implies knowledge and intention. The Plaintiffs in this matter has concealed their authority to act and to proceed in this matter by failing to offer proof, which is material when it is within their knowledge and their duty to disclose making them guilty of fraud.

VERIFICATION

I River-Tali:Bey declare under penalty of perjury under the laws of the United States of America that she has first hand knowledge hereto and to the best of her knowledge and belief all matters are true and correct. Executed on June 4, 2014.

Respectfully Submitted


By: 

River-Tali Bey Authorized Agent
Res: CHERRON M. PHILLIPS
c/o P.O. Box 802625
Chicago Illinois
Non domestic

ACKNOWLEDGMENT

Illinois state)
Cook County)

Signed and attested to before me this 4 day of June, 2014


Notary Public
Seal

